

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BENNETT HASELTON,

Plaintiff,

v.

OFC. SCOTT LAPIERRE, OFC. JAMISON
MAEHLER, SGT. JOSHUA ZIEMER,
OFC. SANDRO FLEMING, OFC SHAWN
ROSS, OFC. JOSH GINTER, OFC.
CONNOR HAZELWOOD, and the CITY
OF SEATTLE,

Defendants.

No. 2:23-cv-0706-BJR

**ORDER DENYING MOTION FOR
STAY OF INITIAL SCHEDULING
DEADLINES AND DISCOVERY**

Defendants have filed a Motion for Stay of Initial Scheduling Deadlines, which also seeks a stay of discovery, pending resolution of Plaintiff's Motion for Partial Summary Judgment and Defendants' Motion for Summary Judgment. Plaintiff opposes the motion, noting that since the parties have now complied with the Court's initial scheduling deadlines, the motion is actually one for a protective order seeking a stay of discovery.

A Court may issue a protective order, essentially staying discovery, for "good cause" shown. Fed. R. Civ. P. 26(c)(1). In the context of a pending potentially dispositive motion, a district court may enter a protective order staying discovery, on a showing of good cause, when the district court "is convinced that the plaintiff will be unable to state a claim for relief." *Wood v. McEwen*,

1 644 F.2d 797, 801 (9th Cir.1981) (per curiam). In this case, Plaintiff asks in opposition to
2 Defendants' Motion for Summary Judgment that he be allowed to "take discovery such that he
3 may present facts essential to justify his opposition." Pl.'s Opp. at 21. At this stage in this case,
4 without commenting on the merits of either party's motion, the Court is unable to confirm that
5 Plaintiff will be "unable to state a claim for relief." Having failed to demonstrate good cause
6 therefor, Defendants' request to stay discovery is denied.
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8 SO ORDERED.

9 Dated: September 25, 2023.

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12 Barbara Jacobs Rothstein
13 U.S. District Court Judge
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